S.B. CIVIL MISC. APPEAL NO. 837/2001

Date : 24.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Dr. S. Saruparia for the appellant.
Mr. M. Shishodia]
Mr. P.R. Purohit for Mr. Vikram Purohit for the respondent.

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Heard.

In this case, the appellant Jaswant Kumar has raised the question that his name was sought to be deleted by the claimants themselves. I have perused the record. Though efforts were made by the claimant to delete the name of the appellant but no order for deletion has been passed. There having been no deletion, Jaswant Kumar continued to be party and he had appeared as witness also. What is the effect of making an application, has not been considered by the Tribunal. In that view of the matter, the tribunal is required to address itself on this question. The award as passed is set aside. The matter is remanded to the tribunal to consider whether name of the appellant is deleted or not and then consider whether any award can be passed against him. The amount deposited by the appellant will be adjusted against an award which may be passed and if no award is passed, then appropriate orders will be passed for refund of that amount to appellant, if occasion arises.

With these observations, the appeal is disposed of.

(BHAGWATI PRASAD), J.